

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By Chairman Scott Mendenhall, on February 2, 2007
at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Scott Mendenhall, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Mike Milburn, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Scott Boggio (R)
Rep. Ernie Dutton (R)
Rep. Kevin T. Furey (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Harry Klock (R)
Rep. Michele Reinhart (D)
Rep. Wayne Stahl (R)
Rep. Bill Thomas (D)
Rep. Kendall Van Dyk (D)
Rep. Jonathan Windy Boy (D)

Members Excused: None

Members Absent: None

Staff Present: Bart Campbell, Legislative Branch
Nancy Kraft, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 492, 2/1/2007; HB 508, 2/1/2007
Executive Action: HB 59; HB 58; HB 300; HB 393

HEARING ON HB 508

Opening Statement by Sponsor:

00:03:12 Rep. Diane Rice (R), HD 71, opened the hearing on HB 508, Revise wages definition to reduce unemployment insurance and workers' compensation contributions.

Proponents' Testimony:

00:06:05 Brad Griffin, Montana Restaurant Association
00:07:34 Jeff Knowles, High Plains Pizza Incorporated
00:09:07 Bob Miller, Bear Claw Bar and Grill, McAllister, Montana
00:12:11 Peter Christ, Bridge Creek Kitchen and Wine Bar, Red Lodge, Montana
00:14:33 Dan Vap, Godfather's Pizza
00:14:52 Craig Witte, House District 8
00:17:41 Robert Smith, Outback Steakhouse, Missoula, Montana
00:17:59 Don Chowning, SYSCO Montana
00:18:19 Casey Ryan, Applebee's and Denny's
00:18:33 Blu Funk, Showthyme Restaurant, Bigfork, Montana
00:18:54 Gary Anderson, Barney's Steakhouse & Grill
00:19:11 Linda Vap, Huhot Mongolian Grill, Missoula, Montana
00:19:38 Jon Bennion, Montana Chamber of Commerce
00:20:09 Riley Johnson, National Federation of Independent Business (NFIB)
00:20:28 Jim Walker, Perkins Restaurants
00:20:59 George Schneider, Overland Express Restaurant
00:21:16 Ronda Wiggers, Great Falls and Helena Chambers of Commerce, Montana Coin Machine Operators
00:22:33 Carl Schweitzer, Bozeman and Kalispell Chambers of Commerce

Opponents' Testimony:

00:23:06 Al Smith, Montana Trial Lawyers' Association
EXHIBIT (buh23a01)
00:26:00 Jacquie Helt, Unite Here for Local 427, Montana AFL-CIO
00:26:54 Jason Miller, Montana State AFL-CIO
00:27:47 Diana Ferriter, Department of Labor and Industry
00:29:20 Jessica Rhoades, Montana Democratic Party
00:30:24 Roy Mulvaney, Department of Labor and Industry

Informational Testimony:

00:31:17 Nancy Butler, Montana State Fund

Questions from Committee Members and Responses:

00:32:08 Rep. Furey

00:32:32 Ms. Butler

Closing by Sponsor: None

HEARING ON HB 492

Opening Statement by Sponsor:

00:33:44 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 492, Quality service allowance for minimum wage.

Proponents' Testimony:

00:36:38 Brad Griffin, Montana Restaurant Association
00:37:56 Blu Funk, Showthyme Restaurant, Bigfork, Montana
00:40:26 Casey Ryan, Applebee's, Famous Dave's, and Denny's Restaurants
00:42:04 Peter Christ, Bridge Creek Kitchen and Wine Bar, Red Lodge, Montana
00:51:58 Linda Vap, Huhot Mongolian Grill and Godfather's Pizza
00:59:26 Rob Smith, Outback Steakhouse, Missoula, Montana
01:01:44 Don Chowning, Sysco Montana
01:03:17 Jeff Knowles, Pizza Hut
01:04:42 Don Cape, Old Chicago Restaurant, Billings, Montana
01:05:25 Jim Walker, Perkins' Restaurants
01:06:06 Mike Hope, Bozeman, Montana
01:06:23 Mark Staples, Montana Taverns' Association
01:06:39 Terry Anderson, Kalispell, Montana
01:06:46 Bob Miller, Bear Claw Bar & Grill
01:06:56 Dan Vat, Huhot & Godfather's
01:07:09 Pat Ryan, Applebee's
01:07:18 Stuart Doggett, Montana Innkeeper's Association
01:07:28 Mark Blasdel, Vista Linda Restaurant, Somers, Montana
01:07:44 Eric Worley, Bozeman Apple Incorporated
01:07:54 Jon Bennion, Montana Chamber of Commerce
01:08:03 Ronda Wiggers, Great Falls and Helena Chambers of Commerce, Montana Coin Machine Operators
01:08:17 Riley Johnson, NFIB

Opponents' Testimony:

01:08:35 Jacquie Helt, Unite Here for Local 427, Montana AFL-CIO
01:10:30 Doug Mitchell
01:14:12 Jessica Rhoades, Montana Democratic Party
01:15:29 Jason Miller, Montana State AFL-CIO

EXHIBIT (buh23a02)

01:16:27 Megan Moore, Jorgenson's Restaurant
01:17:00 Tonya McCormack, Department of Labor and Industry

Informational Testimony: None

Questions from Committee Members and Responses:

01:18:03 Rep. Furey
01:18:26 Ms. Helt
01:18:52 Rep. Heinert
01:20:53 Mr. Mitchell
01:22:21 Rep. Keane
01:23:09 Mr. Doggett
01:24:05 Rep. Keane
01:24:24 Mr. Griffin
01:24:34 Rep. Jones
01:25:03 Mr. Mitchell
01:25:52 Rep. Reinhart
01:26:19 Mr. Mitchell
01:27:37 Ms. McCormack
01:28:15 Rep. Mendenhall
01:28:43 Ms. McCormack
01:30:16 Rep. Mendenhall
01:30:24 Mr. Griffin

Closing by Sponsor:

01:31:08 Rep. Himmelberger
01:32:45 Break

EXECUTIVE ACTION ON HB 59

01:56:42 **Motion:** Rep. Keane moved that HB 59 **DO PASS**.
01:56:00 **Motion/Vote:** Rep. Keane moved that HB 59 **BE AMENDED**.
Motion carried unanimously by voice vote. Reps. Windy
Boy, Stahl, and Heinert voted by proxy.

EXHIBIT (buh23a03)

01:58:38 **Motion:** Rep. Keane moved that HB 59 **DO PASS AS
AMENDED**.

Discussion:

02:00:00 Rep. Mendenhall
02:01:37 **Substitute Motion/Vote:** Rep. Milburn moved that HB 59
BE TABLED. Motion carried 9-7 by roll call vote with
Reps. Augare, Furey, Keane, Reinhart, Thomas, Van Dyk,

and Windy Boy voting no. Reps. Heinert, Windy Boy, and Stahl voted by proxy.

EXECUTIVE ACTION ON HB 58

02:03:01 **Motion:** Rep. Keane moved that HB 58 **DO PASS.**

02:03:19 **Motion:** Rep. Keane moved that HB 58 **BE AMENDED.**

EXHIBIT (buh23a04)

Discussion:

02:03:45 Bart Campbell

02:04:12 Rep. Keane

02:04:51 Mr. Campbell

02:05:57 Rep. Dutton

02:06:17 Rep. Keane

02:06:35 Mr. Campbell

02:07:01 **Motion:** Rep. Keane withdrew his motion.

EXECUTIVE ACTION ON HB 300

02:07:51 **Motion:** Rep. Milburn moved that HB 300 **DO PASS.**

02:10:30 **Motion/Vote:** Rep. Milburn moved that HB 300 **BE AMENDED.** Motion carried unanimously by voice vote. Reps. Stahl and Windy Boy voted by proxy.

EXHIBIT (buh23a05)

02:12:08 **Motion:** Rep. Milburn moved that HB 300 **DO PASS AS AMENDED.**

Discussion:

02:12:30 Rep. Milburn

02:13:11 Rep. Furey

02:14:05 Rep. Milburn

02:15:19 Rep. Furey

02:16:09 Rep. Van Dyk

02:16:32 Rep. Milburn

02:17:10 Rep. Augare

02:17:59 Rep. Milburn

02:20:14 Rep. Keane

02:20:35 Mr. Campbell

02:21:47 Rep. Arntzen

02:22:57 Rep. Reinhart

02:23:20 Rep. Milburn

02:24:07 **Vote:** Motion carried 13-3 by roll call vote with Reps. Augare, Furey, and Van Dyk voting no. Reps. Stahl and Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 393

02:26:05 **Motion:** Rep. Reinhart moved that HB 393 **DO PASS**.
02:26:33 **Motion:** Rep. Dutton moved that HB 393 **BE AMENDED**.
EXHIBIT(buh23a06)

Discussion:

02:28:25 Rep. Keane
02:29:02 Rep. Dutton
02:30:34 Rep. Mendenhall
02:31:28 Rep. Keane

02:31:34 **Vote:** Motion carried unanimously by voice vote. Rep. Stahl voted by proxy.
02:32:03 **Motion:** Rep. Reinhart moved that HB 393 **DO PASS AS AMENDED**.

Discussion:

02:32:15 Rep. Jones
02:32:59 Rep. Keane
02:34:17 Rep. Milburn
02:34:51 Rep. Reinhart
02:35:09 Rep. Milburn
02:35:28 Rep. Reinhart
02:36:40 Rep. Dutton

02:39:24 **Vote:** Motion failed 8-8 with Reps. Augare, Dutton, Furey, Mendenhall, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Reps. Heinert and Stahl voted by proxy.

ADJOURNMENT

02:45:03 Adjournment: 10:35 A.M.

REP. SCOTT MENDENHALL, Chairman

NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

EXHIBIT ([buh23aad.pdf](#))